

AN ACT

RELATING TO ELECTIONS; REQUIRING THE CORRECTIONS DEPARTMENT AND COURT CLERKS TO NOTIFY THE SECRETARY OF STATE WHEN A PERSON CONVICTED OF A FELONY BECOMES ELIGIBLE FOR REGISTRATION; REQUIRING THE CORRECTIONS DEPARTMENT TO PROVIDE A CERTIFICATE OF COMPLETION TO A PERSON CONVICTED OF A FELONY WHO HAS SATISFIED ALL CONDITIONS OF A SENTENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-4-27.1 NMSA 1978 (being Laws 2001, Chapter 46, Section 1) is amended to read:

"1-4-27.1. CANCELLATION OF REGISTRATION FOLLOWING CONVICTION--ELIGIBILITY FOR REGISTRATION UPON SATISFACTION OF CONDITIONS.--

A. When a voter has been convicted of a felony, the clerk of the district court where the conviction occurred shall file a certificate of felony conviction with the secretary of state. The secretary of state shall notify the county clerk of the county where the convicted felon is registered to vote.

B. For purposes of cancellation of registration, verification of a felony conviction may be obtained by comparing the voter's registration record with the certificate of felony conviction filed by the clerk of the district court.

C. The certificate of felony conviction shall

include the voter's:

- (1) name;
- (2) age;
- (3) sex;
- (4) state tracking number;
- (5) case number;
- (6) birth date;
- (7) social security number, if any;
- (8) date of conviction; and
- (9) address.

D. When a voter convicted of a felony, for which a sentence of imprisonment is authorized but deferred or suspended by order of the court, has completed the conditions of the court order, the clerk of the court shall notify the secretary of state that the person is eligible for registration. The secretary of state shall notify all county clerks that the person is eligible for registration.

E. When a voter convicted of a felony is unconditionally discharged from a correctional facility under the jurisdiction of the corrections department, or is conditionally discharged from a facility under the jurisdiction of the corrections department and has completed all conditions of probation or parole, the corrections department shall notify the secretary of state that the person is eligible for registration. The secretary of state shall

notify all county clerks that the person is eligible for registration.

F. When a voter convicted of a federal offense constituting a felony is unconditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency, or is conditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency, and has completed all conditions of probation or parole, the federal agency having jurisdiction of that person shall notify the secretary of state that the person is eligible for registration. The secretary of state shall notify all county clerks that the person is eligible for registration."

Section 2. Section 31-13-1 NMSA 1978 (being Laws 1963, Chapter 303, Section 29-14, as amended) is amended to read:

"31-13-1. FELONY CONVICTION--RESTORATION OF CITIZENSHIP.--

A. A person who has been convicted of a felony shall not be permitted to vote in any statewide, county, municipal or district election held pursuant to the provisions of the Election Code, unless the person:

(1) has completed the terms of a suspended or deferred sentence imposed by a court;

(2) was unconditionally discharged from a correctional facility under the jurisdiction of the

corrections department or was conditionally discharged from a correctional facility under the jurisdiction of the corrections department and has completed all conditions of probation or parole;

(3) was unconditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency or was conditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency and has completed all conditions of probation or parole; or

(4) has presented the governor with a certificate verifying the completion of the sentence and was granted a pardon or a certificate by the governor restoring the person's full rights of citizenship.

B. When a person has completed the terms of a suspended or deferred sentence imposed by a court for a felony conviction, the clerk of the district court shall notify the secretary of state. The secretary of state shall notify all county clerks that the person is eligible for registration.

C. A person who has served the entirety of a sentence imposed for a felony conviction, including a term of probation or parole shall be issued a certificate of completion by the corrections department. Upon issuance, the corrections department shall inform the person that the person is entitled to register to vote. The certificate of

completion shall state that the person's voting rights are restored.

D. When the corrections department issues a person a certificate of completion, the corrections department shall notify the secretary of state that the person is entitled to register to vote. The secretary of state shall notify all county clerks that the person is eligible for registration. Additionally, a county clerk shall accept the following documents as proof that a person has served the entirety of the sentence for a felony conviction and is eligible for registration:

(1) a judgment and sentence from a court of this state, another state or the federal government, which shows on its face that the person has completed the entirety of the sentence;

(2) a certificate of completion from the corrections department; or

(3) a certificate of completion from another state or the federal government.

E. A person who has been convicted of a felony shall not be permitted to hold an office of public trust for the state, a county, a municipality or a district, unless the person has presented the governor with a certificate verifying the completion of the sentence and was granted a pardon or a certificate by the governor restoring the person's full rights

of citizenship."

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